

REMARKS

This is a full and timely response to the outstanding Office Action mailed April 19, 2007. Upon entry of the amendments in this response, claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48, and 51 are pending. More specifically, claims 1, 6, 17, 26, 30, 39, 43 and 51 are amended. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 1-3, 6, 8, 10-14, 17-23, 26, 30-36, 39, 43-48, and 51 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Kamen, et al.* (U.S. Patent No. 6,421,067). Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Kamen, et al.* (U.S. Patent No. 6,421,067) in view of *Lemmons, et al.* (U.S. Patent No. 6,442,775). Applicant has amended claims 1, 6, 17, 26, 30, 39, 43 and 51, thus rendering the rejections to those claims moot. These rejections are respectfully traversed where not rendered moot by amendment.

II. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiners Peng and Salce spent with Applicant's representative Benjie Balser during a June 12, 2007 telephone discussion regarding the above-identified Office Action. During the interview, various features described in the patent application and recited in the amended independent claims, including the predetermined number of channels presented concurrently and the predetermined number of time listings presented concurrently, and *Kamen* were discussed, and the outcome of this discussion is addressed herein. During that conversation, Examiners Peng and Salce seemed to indicate that it

would be potentially beneficial for Applicant to file amendments, including an amendment to recite a “predetermined number of channels presented concurrently” as set forth herein. Thus, Applicant respectfully requests that Examiners Peng and Salce carefully consider these amendments and this response.

III. Rejections Under 35 U.S.C. §102(e)

A. Claims 1-3 and 10-14

The Office Action rejects claims 1-3 and 10-14 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al.* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully submits that claims 1-3 and 10-14 are allowable.

Independent claim 1, as amended, recites:

1. A system for providing interactive media services comprising:
memory for storing interactive program guide (IPG) configuration data that is used to determine an IPG channel listing characteristic *where the channel listing characteristic comprises a predetermined number of channels presented concurrently*; and
logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG channel listing characteristic.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988). Applicant respectfully submits that independent claim 1 as amended is allowable for at least the reason that

Kamen does not disclose, teach, or suggest at least **where the channel listing characteristic comprises a predetermined number of channels presented concurrently**. Even if, assuming for the sake of argument, *Kamen* discloses changing an IPG screen characteristic, it does not disclose modifying a predetermined number of channels presented concurrently.

The Office Action alleges:

Kamen discloses a number of channels displayed on the screen depending on the user selected EPG mode. For example, in FIG.2A the EPG has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the “Program Listings Today” mode. In another/changed user selected mode, e.g., “Sports Listings”, “NEWS Listings” modes, etc., similar to the mode selected in FIG. 2 (not shown), which identifies and determines a number of channels that are showing programs that fit the user selected category (Sports in FIG. 2) at a specified time period (7 pm in the case of FIG. 2)).

See Office Action, p. 2.

If, for instance, a user of the system of *Kamen* selects 18 channels to be displayed in the “Program Listings Today” mode, all 18 channels will not be listed on the same page. *Kamen* fails to teach configuring how many of those 18 channels will be displayed concurrently in the IPG. Therefore, *Kamen* does not disclose the feature of an IPG channel listing characteristic where the channel listing characteristic comprises a predetermined number of channels presented concurrently. Thus, *Kamen* does not anticipate independent claim 1 as amended, and the rejection should be withdrawn.

Because independent claim 1 as amended is allowable over the cited references of record, dependent claims 2, 3, and 10-14 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2, 3, and 10-14 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205

F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2, 3, and 10-14 are patentable over *Kamen*, the rejection to claims 2, 3, and 10-14 should be withdrawn and the claims allowed.

B. Claim 6

The Final Office Action rejects claim 6 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully submits that claim 6 is allowable.

Independent claim 6, as amended, recites:

6. A system for providing interactive media services comprising:
memory for storing interactive program guide (IPG) configuration data that is used to determine an IPG time listing characteristic *where the time listing characteristic is at least one of the following:*
a predetermined number of time listings presented concurrently and a predetermined coverage of a time listing; and
logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG time listing characteristic.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 6 as amended is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the time listing characteristic is at least one of the following: a predetermined number of time listings**

presented concurrently and a predetermined coverage of a time listing. Even if, assuming for the sake of argument, *Kamen* discloses changing an IPG screen characteristic, it fails to disclose modifying a predetermined number of time listings presented concurrently or a predetermined coverage of a time listing.

The Office Action alleges:

Kamen also disclose the time listing characteristic is at least [one] of the following: number of time listing presented concurrently and coverage of a time listing and modifying a number of time listing presented concurrently (FIG.2A – FIG.2C; In which Kamen discloses determining a number of listings shown for a user selected mode/time period, e.g., seven time listings are presented concurrently in FIG.2A, three time listings are presented concurrently in FIG.2 & FIG.2B, four time listings are presented concurrently in FIG.2C) and coverage of a time listing (In FIG. 2A and 2)).

See Office Action, p. 3.

Even if, assuming for the sake of argument, *Kamen* discloses that there are times associated with the channels and channel types that are selected, *Kamen* fails to disclose a screen configuration characteristic of a predetermined number of time listings presented concurrently or a predetermined coverage of a time listing. Therefore, *Kamen* does not anticipate independent claim 6 as amended, and the rejection should be withdrawn.

C. Claims 17-23

The Office Action rejects claims 17-23 under 35 U.S.C. §102(c) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully submits that claims 17-23 are allowable.

Independent claim 17, as amended, recites:

17. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG)
channel listing characteristic *where the channel listing characteristic comprises
a predetermined number of channels presented concurrently*; and
modifying IPG configuration data stored in memory in response to receiving the first user
input, where the IPG configuration data is used to determine the IPG channel
listing characteristic.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose,
teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 17 as amended is allowable for at
least the reason that *Kamen* does not disclose, teach, or suggest at least **where the channel
listing characteristic comprises a predetermined number of channels presented
concurrently**. Even if, assuming for the sake of argument, *Kamen* discloses changing an IPG
screen characteristic, it does not disclose modifying a predetermined number of channels
presented concurrently.

The Office Action alleges:

Kamen discloses a number of channels displayed on the screen depending on the
user selected EPG mode. For example, in FIG.2A the EPG has identified a
number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in
the “Program Listings Today” mode. In another/changed user selected mode,
e.g., “Sports Listings”, “NEWS Listings” modes, etc., similar to the mode
selected in FIG. 2 (not shown), which identifies and determines a number of
channels that are showing programs that fit the user selected category (Sports in
FIG. 2) at a specified time period (7 pm in the case of FIG. 2)).

See Office Action, p. 2.

If, for instance, a user of the system of *Kamen* selects 18 channels to be displayed in the
“Program Listings Today” mode, all 18 channels will not be listed on the same page. *Kamen*

fails to teach configuring how many of those 18 channels will be displayed concurrently in the IPG. Therefore, *Kamen* does not disclose the feature of an IPG channel listing characteristic where the channel listing characteristic comprises a predetermined number of channels presented concurrently. Thus, *Kamen* does not anticipate independent claim 17 as amended, and the rejection should be withdrawn.

Because independent claim 17 as amended is allowable over the cited references of record, dependent claims 18-23 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18-23 contain all the steps/features of independent claim 17. Therefore, since dependent claims 18-23 are patentable over *Kamen*, the rejection to claims 18-23 should be withdrawn and the claims allowed.

D. Claim 26

The Office Action rejects claim 26 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully submits that claim 26 is allowable.

Independent claim 26, as amended, recites:

26. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG) time listing characteristic *where the time listing characteristic is at least one of the following:*
a predetermined number of time listings presented concurrently and a predetermined coverage of a time listing; and
modifying IPG configuration data stored in memory in response to receiving the first user input, where the IPG configuration data is used to determine the IPG time listing characteristic.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 26 as amended is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the time listing characteristic is at least one of the following: a predetermined number of time listings presented concurrently and a predetermined coverage of a time listing**. Even if, assuming for the sake of argument, *Kamen* discloses changing an IPG screen characteristic, it fails to disclose modifying a predetermined number of time listings presented concurrently or a predetermined coverage of a time listing.

The Office Action alleges:

Kamen also disclose the time listing characteristic is at least [one] of the following: number of time listing presented concurrently and coverage of a time listing and modifying a number of time listing presented concurrently (FIG.2A – FIG.2C; In which Kamen discloses determining a number of listings shown for a user selected mode/time period, e.g., seven time listings are presented concurrently in FIG.2A, three time listings are presented concurrently in FIG.2 & FIG.2B, four time listings are presented concurrently in FIG.2C) and coverage of a time listing (In FIG. 2A and 2)).

See Office Action, p. 3.

Even if, assuming for the sake of argument, *Kamen* discloses that there are times associated with the channels and channel types that are selected, *Kamen* fails to disclose a screen configuration characteristic of a predetermined number of time listings presented concurrently or a predetermined coverage of a time listing. Therefore, *Kamen* does not anticipate independent claim 26 as amended, and the rejection should be withdrawn.

E. Claims 30-36

The Office Action rejects claims 30-36 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully submits that claims 30-36 are allowable.

Independent claim 30, as amended, recites:

30. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG) channel listing characteristic, *where the channel listing characteristic comprises a predetermined number of channels presented*; and
changing the IPG channel listing characteristic in accordance with the first user input.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 30 as amended is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the channel listing characteristic comprises a predetermined number of channels presented concurrently**. Even if, assuming for the sake of argument, *Kamen* discloses changing an IPG screen characteristic, it does not disclose modifying a predetermined number of channels presented concurrently.

The Office Action alleges:

Kamen discloses a number of channels displayed on the screen depending on the user selected EPG mode. For example, in FIG.2A the EPG has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the “Program Listings Today” mode. In another/changed user selected mode, e.g., “Sports Listings”, “NEWS Listings” modes, etc., similar to the mode selected in FIG. 2 (not shown), which identifies and determines a number of

channels that are showing programs that fit the user selected category (Sports in FIG. 2) at a specified time period (7 pm in the case of FIG. 2)).
See Office Action, p. 2.

If, for instance, a user of the system of *Kamen* selects 18 channels to be displayed in the “Program Listings Today” mode, all 18 channels will not be listed on the same page. *Kamen* fails to teach configuring how many of those 18 channels will be displayed concurrently in the IPG. Therefore, *Kamen* does not disclose the feature of an IPG channel listing characteristic where the channel listing characteristic comprises a predetermined number of channels presented concurrently. Therefore, *Kamen* does not anticipate independent claim 30, and the rejection should be withdrawn.

Because independent claim 30 as amended is allowable over the cited references of record, dependent claims 31-36 (which depend from independent claim 30) are allowable as a matter of law for at least the reason that dependent claims 31-36 contain all the steps/features of independent claim 30. Therefore, since dependent claims 31-36 are patentable over *Kamen*, the rejection to claims 31-36 should be withdrawn and the claims allowed.

F. Claim 39

The Office Action rejects claim 39 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully submits that claim 39 is allowable.

Independent claim 39, as amended, recites:

39. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG)
time listing characteristic, *where the time listing characteristic is at least one of
the following:*
*a predetermined number of time listings presented concurrently and a
predetermined coverage of a time listing;* and

changing the IPG time listing characteristic in accordance with the first user input.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 39 as amended is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the time listing characteristic is at least one of the following: a predetermined number of time listings presented concurrently and a predetermined coverage of a time listing**. Even if, assuming for the sake of argument, *Kamen* discloses changing an IPG screen characteristic, it fails to disclose changing a predetermined number of time listings presented concurrently or a predetermined coverage of a time listing.

The Office Action alleges:

Kamen also disclose the time listing characteristic is at least [one] of the following: number of time listing presented concurrently and coverage of a time listing and modifying a number of time listing presented concurrently (FIG.2A – FIG.2C; In which Kamen discloses determining a number of listings shown for a user selected mode/time period, e.g., seven time listings are presented concurrently in FIG.2A, three time listings are presented concurrently in FIG.2 & FIG.2B, four time listings are presented concurrently in FIG.2C) and coverage of a time listing (In FIG. 2A and 2)).

See Office Action, p. 3.

Even if, assuming for the sake of argument, *Kamen* discloses that there are times associated with the channels and channel types that are selected, *Kamen* fails to disclose a screen configuration characteristic of a predetermined number of time listings presented concurrently or a predetermined coverage of a time listing. Therefore, *Kamen* does not anticipate independent claim 39, and the rejection should be withdrawn.

G. Claims 43-48

The Final Office Action rejects claims 43-48 under 35 U.S.C. §102(c) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully submits that claims 43-48 are allowable.

Independent claim 43, as amended, recites:

43. A method for configuring a user interface, comprising:
receiving a first user input identifying an interactive program guide (IPG) channel listing characteristic, ***where the channel listing characteristic comprises a predetermined number of channels presented concurrently***; and
providing the user with an IPG screen that has the characteristic identified via the first user input.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 43 as amended is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at **where the channel listing characteristic comprises a predetermined number of channels presented concurrently**. Even if, assuming for the sake

of argument, *Kamen* discloses changing an IPG screen characteristic, it does not disclose modifying a predetermined number of channels presented concurrently.

The Office Action alleges:

Kamen discloses a number of channels displayed on the screen depending on the user selected EPG mode. For example, in FIG.2A the EPG has identified a number, i.e., three channels (ABC, FOX and CBS) to be displayed concurrently in the "Program Listings Today" mode. In another/changed user selected mode, e.g., "Sports Listings", "NEWS Listings" modes, etc., similar to the mode selected in FIG. 2 (not shown), which identifies and determines a number of channels that are showing programs that fit the user selected category (Sports in FIG. 2) at a specified time period (7 pm in the case of FIG. 2)).

See Office Action, p. 2.

If, for instance, a user of the system of *Kamen* selects 18 channels to be displayed in the "Program Listings Today" mode, all 18 channels will not be listed on the same page. *Kamen* fails to teach configuring how many of those 18 channels will be displayed concurrently in the IPG. Therefore, *Kamen* does not disclose the feature of an IPG channel listing characteristic where the channel listing characteristic comprises a predetermined number of channels presented concurrently. Thus, *Kamen* does not anticipate independent claim 43, and the rejection should be withdrawn.

Because independent claim 43 as amended is allowable over the cited references of record, dependent claims 44-48 (which depend from independent claim 43) are allowable as a matter of law for at least the reason that dependent claims 44-48 contain all the steps/features of independent claim 43. Therefore, since dependent claims 44-48 are patentable over *Kamen*, the rejection to claims 44-48 should be withdrawn and the claims allowed.

H. Claim 51

The Office Action rejects claim 51 under 35 U.S.C. §102(e) as allegedly being anticipated by *Kamen, et al* (U.S. Patent No. 6,421,067). For at least the reasons set forth below, Applicant respectfully submits that claim 51 is allowable.

Independent claim 51, as amended, recites:

51. A method for configuring a user interface, comprising:
receiving a first user input identifying an interactive program guide (IPG) time listing characteristic, *where the time listing characteristic is at least one of the following:*
a predetermined number of time listings presented concurrently and a predetermined coverage of a time listing; and
providing the user with an IPG screen that has the characteristic identified via the first user input.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 51 as amended is allowable for at least the reason that *Kamen* does not disclose, teach, or suggest at least **where the time listing characteristic is at least one of the following: a predetermined number of time listings presented concurrently and a predetermined coverage of a time listing**. Even if, assuming for the sake of argument, *Kamen* discloses changing an IPG screen characteristic, it fails to disclose configuring a predetermined number of time listings presented concurrently or a predetermined coverage of a time listing.

The Office Action alleges:

Kamen also disclose the time listing characteristic is at least [one] of the following: number of time listing presented concurrently and coverage of a time listing and modifying a number of time listing presented concurrently (FIG.2A – FIG.2C; In which Kamen discloses determining a number of listings shown for a user selected mode/time period, e.g., seven time listings are presented concurrently in FIG.2A, three time listings are presented concurrently in FIG.2 & FIG.2B, four time listings are presented concurrently in FIG.2C) and coverage of a time listing (In FIG. 2A and 2)).

See Office Action, p. 3.

Even if, assuming for the sake of argument, *Kamen* discloses that there are times associated with the channels and channel types that are selected, *Kamen* fails to disclose a screen configuration characteristic of a predetermined number of time listings presented concurrently or a predetermined coverage of a time listing. Therefore, *Kamen* does not anticipate independent claim 51, and the rejection should be withdrawn.

IV. Rejections Under 35 U.S.C. §103(a)

Claims 15 and 16

The Office Action rejects claims 15 and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Kamen, et al* (U.S. Patent No. 6,421,067) in view of *Lenmons, et al* (U.S. Patent No. 6,442,775). For at least the reasons set forth below, Applicant respectfully submits that claims 15 and 16 are allowable.

Because independent claim 1 is allowable over the cited references of record, dependent claims 15 and 16 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 15 and 16 contain all the steps/features of independent

claim 1. Therefore, the rejection to claims 15 and 16 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 15 and 16, *Lemmons* does not cure the deficiencies of *Kamen* noted above. Therefore, claims 15 and 16 are considered patentable over any combination of these references.

V. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48, and 51 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

Benjamin A. Balser, Reg. No. 58,169

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500